

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

OPERATING ENGINEERS LOCAL 139
HEALTH BENEFIT FUND, *et al.*,

Plaintiffs,

v.

TRACKS CUSTOM CRUSHING, INC.,
a Wisconsin corporation,

Defendant,

and

PAYNE & DOLAN, INC.,

Garnishee Defendant.

CIVIL ACTION

NO. 09-C-0044

HON. RUDOLPH T. RANDA

NOTICE OF MOTION

TO: Tracks Custom Crushing, Inc.
c/o Kevin L. Dahlgren, Registered Agent
9308 S. 29th Street
Franklin, WI 53132

Ms. Cecilia M. McCormack
Corporate Counsel
Payne & Dolan, Incorporated
PO Box 781
N3W23650 Badinger Road
Waukesha, WI 53187

YOU ARE HEREBY NOTIFIED that Plaintiffs have filed a Motion for Turn-Over Order against Garnishee, PAYNE & DOLAN, INC., before the Honorable Rudolph T. Randa, Judge of the United States District Court for the Eastern District of Wisconsin, 517 E. Wisconsin Avenue, Milwaukee, Wisconsin. A copy of said motion is hereby served upon you.

/s/ Laura M. Finnegan

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on or before the hour of 5:00 p.m. this 13th day of May 2010, she electronically filed the foregoing document (Notice of Motion), Motion for Turn-Over Order and Turn-Over Order with the Clerk of Court using the ECF system, and further certifies that I have mailed the above-referenced documents by United States Mail to the following non-ECF participants:

Tracks Custom Crushing, Inc.
c/o Kevin L. Dahlgren, Registered Agent
9308 S. 29th Street
Franklin, WI 53132

Ms. Cecilia M. McCormack
Corporate Counsel
Payne & Dolan, Incorporated
PO Box 781
N3W23650 Badinger Road
Waukesha, WI 53187

/s/ Laura M. Finnegan

Laura M. Finnegan
Attorney for Plaintiffs
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